

REMARKS

Summary Of The Office Action & Formalities

Claims 1-8 and 10-23 are all the claims pending in the application. By this Amendment, Applicant is adding new claims 24 and 25. No new matter is added.

The prior art rejections are summarized as follows:

1. Claims 1-8 and 10-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lina et al. (US 5,190,192) in view of Brakarz et al. (US 5,323,933) and Schneider (US 4,949,876), as evidenced by Dobbs et al. (US 5,785,208).

Applicant respectfully traverses.

Claim Rejections - 35 U.S.C. § 103

1. Claims 1-8 And 10-23 Over Lina et al. (US 5,190,192) In View Of Brakarz et al. (US 5,323,933) And Schneider (US 4,949,876), As Evidenced By Dobbs et al. (US 5,785,208).

In rejecting claims 1-8 and 10-23 over Lina et al. (US 5,190,192) in view of Brakarz et al. (US 5,323,933) and Schneider (US 4,949,876), as evidenced by Dobbs et al. (US 5,785,208), the grounds of rejection state:

Lina et al. discloses all of the features of the spray pump, including a pump (4). The pump (4) has an initial dead stroke, actuating the pump starting only after the dispensing head has traveled over the dead stroke, as discussed in column 3, line 64 to column 4, line 68. The product is only sprayed once the piston rod (52) has traveled over the dead stroke for each time the piston rod (52) moves from the rest position to the dispensing position during operation of the device (column 4, lines 18-68). The dead[]stroke is a predetermined distance of travel by the pump that is the distance between the hollows (49) and the ribs (48). The fluid dispensed by Lina et al. oxidizes if it comes into contact with air

(column 1, lines 5-22). The pump (4) has a dosing chamber (column 5, lines 46-64).

Lina et al. does not disclose the type of dispensing head used. Brakarz et al. discloses a dispensing head (pressing button 9) with a spray nozzle insert and a spray profile (atomizer insert 10), as shown in Figure 1. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the dispensing head of Brakarz et al. on the spray pump of Lina et al., in order to atomize the fluid when it is dispensed.

Lina et al. does not disclose a closure system including a closure element. Dobbs et al. disclose a spray device with similar spray components to Lina et al. Dobbs et al. disclose a sidewall portion (43) that scrapes a discharge orifice to clean it off between uses. Dobbs et al. evidences a need for pump sprayers to have a feature for scraping off the spray orifice.

In the embodiment of Figures 2-4, 6, and 7, Schneider discloses a pasty fluid dispenser device comprising a fluid reservoir (storage chamber) with a pump (compression chamber 38) mounted to it. A dispensing head (pushbutton member 1) is mounted to the pump (compression chamber 29) to move between a rest position and a dispensing position, and it has a dispensing orifice (116). The device comprises a closure system (tubular guide portion 110) fixed to the reservoir (storage chamber) and it comprises a closure element (masking element 113) suitable for closing off the dispensing orifice (116) from the outside when the dispensing head (pushbutton member 1) is in the rest position. The closure system (tubular guide portion 110) is implemented in the form of a hollow sleeve disposed around the dispensing head. The hollow sleeve has, on one side, the closure element (masking element 113) disposed above the opening, and on another side, a cutout through which the dispensing head (pushbutton member 1) projects so that it can be actuated by the user, as discussed in column 6, lines 44-65. While the dispensing head (pushbutton member 1) is returning from its dispensing position to its rest position after the dispensing member has been actuated, the closure element (masking element 113) slides snugly over the zone situated around the dispensing orifice (116), so as to remove any trace of fluid at the dispensing orifice (116), as discussed in column 5, lines 23-32. The closure system (tubular guide portion

110) is snap-fastened to the neck of the reservoir, as shown in Figures 6 and[]7.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the spray pump of Lina et al. with a closure system including a closure element, as taught by Schneider, in order to scrape off the dispensing orifice between uses, which a desirable function of spray devices, as evidenced by Dobbs et al.

Office Action at pages 2-4. Applicant respectfully traverses.

As an initial matter, Applicant notes that the grounds of rejection rely on no less than the combination of four documents to reject claims 1 and 8. Regarding the primary reference, Lina et al., this document discloses a precompression pump, which is a known pump. In a precompression pump, the spraying of the products does not start immediately. *However*, such pumps do not have an initial dead stroke where the actuation of the pump starts only after the dispensing head has traveled over the dead stroke.

On the contrary, in a precompression pump, the *actuation* of the pump necessarily starts immediately when using the dispensing head *so as to generate the precompression*. As soon as the user actuates the dispensing head, the user increases the pressure inside the pump chamber. The actuation of the pump is thus started immediately and there is clearly no initial dead stroke. The expression “dead stroke” is understood in the art to mean that during the stroke there is neither product expulsion nor pressure increase in the dispensing member. This is certainly not the case in the precompression pump described in Lina et al.

In fact, as described at page 4, lines 5 to 7 of Applicant’s specification, the present invention also preferably provides a precompression pump. However, the device further provides an initial dead stroke before starting the actuation of said precompression pump.

Clearly, one would not consider the precompression pump as requiring an initial dead stroke and Lina et al. does not teach or suggest a dispensing device having an initial dead stroke. In view of at least this distinction, the Examiner is kindly requested to reconsider and withdraw the rejection of claims 1 and 8 and claims dependent therefrom.

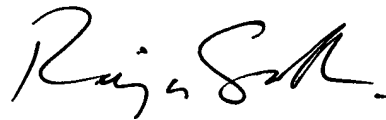
New Claims

For additional claim coverage merited by the scope of the invention, Applicant is adding new claims 24 and 25, which are allowable at least by reason of their respective dependency.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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